

# City of Hesperia

## STAFF REPORT



**DATE:** March 9, 2017  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner  
**BY:** Stan Liudahl, AICP, Senior Planner  
**SUBJECT:** Conditional Use Permit CUP17-00002; Applicant: Katsunori Corp.; APN: 3057-071-05

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2017-04, approving CUP17-00002 to expand onsite alcoholic beverage sales to allow liquor in conjunction with an existing restaurant.

### BACKGROUND

**Proposal:** A Conditional Use Permit (CUP) to allow the expansion of the sale of alcoholic beverages from beer and wine to include liquor for on-site consumption within a restaurant.

**Location:** 14073 Main Street, Suite 109

### Current General, Plan, Zoning and Land Uses:

The site is within the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan. Katsunori Sushi is a 3,029 square foot restaurant within the Shops at Topaz shopping center. The surrounding land is designated as noted on Attachment 1. The properties south of the shopping center contain single-family residences and a park, the properties to the east contain a similar shopping center, the properties to the west contain single-family residences, and the properties to the north are vacant (Attachment 2).

**Land Use:** Katsunori Sushi restaurant has operated in the City at this location since 2010. At that time it was named Miyako Sushi. This restaurant has also been named Sushi O Sushi. The restaurant has applied for a Type 47 license with the California Department of Alcoholic Beverage Control (ABC) to expand its on-sale consumption of alcohol to include hard liquor. Currently, it has a Type 41 license, allowing for the on-sale of beer and wine. The Main Street and Freeway Corridor Specific Plan requires approval of a conditional use permit to expand the license to allow for the sale of hard liquor. The restaurant is within Census Tract 100.18. This census tract is currently within its limitation of five on-sale licenses and does not require the City to make a finding of public convenience and necessity.

**Table 1: Existing On-Sale Licenses in Census Tract 100.18**

Status	Business Name	Business Address	Type of License
Active	Valentino's Pizza	13567 Main St	41-Beer & Wine
<b>Active</b>	<b>Katsunori Sushi</b>	<b>14073 Main St, 109</b>	<b>41-Beer &amp; Wine</b>
Active	Pizza Factory of Hesperia	14135 Main St., 101/102	41-Beer & Wine
Active	Wood Grill Buffet	14135 Main St., 104	41-Beer & Wine
Active	Don Garcia's Mexican Rest.	14343 Main St	47-Beer, Wine, & Liquor

Census Tract 100.18 extends along the north side of Mesquite Road between Topaz Avenue and Eleventh Avenue for one mile and along the south side of Main Street between the California Aqueduct and Eleventh Avenue for approximately two miles (Attachment 3).

The commercial portion of Main Street currently holds 24 on-site licenses that are primarily restaurants and half of which are in downtown. One additional on-sale license was approved by the Commission on November 10, 2016 (CUP16-00008) that has not been established. In this case, approval of the CUP will not result in an additional business selling alcoholic beverages, but constitutes an expansion of the on-sale licensing to allow the restaurant to sell hard liquor in addition to beer and wine. Further, approval of this CUP does not require a finding of public convenience or necessity, since it is a proposed upgrade from a Type 41 (on-sale beer and wine) to a Type 47 (on-sale beer, wine and liquor) ABC license.

**Schools and Parks:** The project site at 14073 Main Street is located approximately 330 feet southwest of Hesperia High School and is adjacent to Belmont Park. Since the proposed ABC license expansion is for an on-sale license in conjunction with a restaurant, staff does not expect that the expansion of the license to include liquor will have any impact upon the park. Furthermore, staff has not received any comments from the public regarding alcoholic beverage sales in proximity to the park.

**Environmental:** This project is exempt from the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities.

**Conclusion:** This application is limited to the expansion of the on-sale alcoholic beverage license from beer and wine to beer, wine, and liquor at 14073 Main Street, Suite 109. Approval of this alcoholic beverage license to include hard liquor is supportive of the land uses intended within this area of the City and there is no evidence that the proposed expansion in the on-sale alcoholic beverage license to include liquor will have a negative impact upon the park or nearby surrounding land uses.

## **ALTERNATIVE**

1. Provide alternative direction to staff.

## **ATTACHMENTS**

1. General Plan/Zoning
2. Aerial photo
3. Census Tract Map
4. Resolution No. PC-2017-04, with list of conditions